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October 17, 2022

BY ECF

Honorable Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Furet v. City of New York, et al.,
22 Civ. 3172 (AT)

Your Honor:

I represent defendant the City of New York (the “City”) in the above-referenced matter. Defendant writes jointly with plaintiff’s counsel to respectfully update the Court on the status of this case and to respectfully request that the Court adjourn the current deadline to file a proposed case management plan *sine die*, pending completion of the § 1983 Plan (the “Plan”).

By way of background, this case was designated as part of the Southern District of New York’s Plan for Certain Section 1983 Cases against the City of New York (“Section 1983 Plan”) on April 19, 2022 (See Docket Entry Dated April 19, 2022). On May 9, 2022, the Court issued an Order directing the parties to submit a joint status letter and proposed case management plan by October 17, 2022 (ECF No. 9).

Pursuant to the Plan, once an answer is filed, the parties must engage in limited discovery and mediation in an attempt at early resolution of the case. (See S.D.N.Y. Local Civ. R. 83.10 § 8). The filing of an answer initiates the Plan limited discovery deadlines. (See id.). Here, in lieu of filing an answer, pursuant to Your Honor’s Individual Rules, the City served a pre-motion letter on plaintiff on July 8, 2022, on the grounds that the City should be dismissed from this action based on, *inter alia*, plaintiff’s failure to serve a timely notice of claim on the New York City Comptroller. Thereafter, plaintiff filed an application to serve a late notice of claim in state court. The state court has not yet ruled on plaintiff’s application. To the extent plaintiff’s application is denied, the City intends to move forward with a motion to dismiss. To the extent plaintiff’s application is granted, the City will likely withdraw its pre-motion letter and file an answer, which will then initiate the Plan deadlines.

As such, the parties respectfully submit that it is premature for the parties to file a proposed case management plan at this time. Accordingly, the parties respectfully request that the Court adjourn the deadline to file a proposed case management plan *sine die*, pending the state court's decision on plaintiff's application to file a late notice of claim and completion of the Plan.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach

Assistant Corporation Counsel

GRANTED.

SO ORDERED.

Dated: October 19, 2022
New York, New York



ANALISA TORRES
United States District Judge